

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

SCOOTER LYNN ROBINSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:15CV263-TSL-RHW

WARDEN NORRIS HOGANS et al

DEFENDANTS

**PROPOSED FINDINGS OF FACT AND RECOMMENDATION**

This matter is before the Court *sua sponte*. On December 8, 2016, the Court entered an order directing Plaintiff to file a written response either providing current addresses for Defendant Rosalyn Delaine and Defendant Shelia Ratcliff or stating that he wishes to dismiss Defendants Delaine and Ratcliff voluntarily. Doc. [83]. The Court set a response deadline of January 23, 2017, and cautioned Plaintiff that failure to respond to the Order in a timely fashion would result in the dismissal of his claims against Delaine and Ratcliff. *Id.*

The Court previously attempted service of process on Delaine and Ratcliff at their last known addresses. Doc. [46] & [47]. The attempted service was unsuccessful. Doc. [61]. Mail sent to Delaine's last known address has been returned "undeliverable". Doc. [39]. The return on the summons for Ratcliff noted that the "residence is empty". The Court found that it did not have a current, valid address for either Defendant; therefore, the Court entered the order of December 8, 2016, directing Plaintiff to provide a current address for service of process. Doc. [83]. Plaintiff failed to provide a current address and failed to respond to the Court's order. Accordingly, the undersigned recommends that Plaintiff's claims against Defendants Delaine and Ratcliff be dismissed without prejudice for failure to prosecute.

**RECOMMENDATION**

Based on the foregoing, the undersigned recommends that Plaintiff's claims against

Defendants Rosalyn Delaine and Shelia Ratcliff be dismissed without prejudice for failure to prosecute.

**NOTICE OF RIGHT TO APPEAL/OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions and recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the District Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar that party from a de novo determination by the District Court. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed **factual findings and legal conclusions** that have been accepted by the district court and for which there is no written objection. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

SO ORDERED, this the 17th day of March, 2017.

/s/ *Robert H. Walker*

ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE